

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

AMENDED CRIMINAL
PRETRIAL SCHEDULING
ORDER

EVAN GREEBEL

15-CR-637 (KAM)

Defendant.

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The defendant in the above captioned criminal case interposed a plea of not guilty. The parties are directed:

1. To **APPEAR** with counsel ready to **SELECT A JURY** and **TO TRY THE CASE** and to have available witnesses and exhibits on **October 16, 2017 at 9:00 a.m.**, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York.

2. Parties shall be prepared **TO TRY THE CASE beginning October 18, 2017 at 9:00 a.m.** in Courtroom 6C South on the 6th Floor, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York.¹

3. Because the dates have passed for the parties to **SERVE AND FILE VIA ECF ALL GOVERNMENT AND DEFENSE PRETRIAL MOTIONS** based on any defense, objection, or request, the court will not consider further motions from the parties without a showing of good cause.

4. If the parties wish to supplement or revise the materials submitted on April 21, 2017,² they must do so by **July 21, 2017**. The parties are to meet and confer to discuss any objections to the submissions. Any disputes relating to these submissions must be filed in **short letter brief form** on or before

¹ All in-person hearings will occur at this location.

² The parties were previously ordered to submit: (i) lists of exhibits and witnesses; (ii) a list of persons and terms that will be present or that will be referred to by counsel or witnesses during the trial; (iii) voir dire requests; (iv) proposed verdict forms, special verdict forms, and interrogatories; (v) requests to charge or any objections to requests to charge; and (vi) any stipulations of fact or notices of objections to authenticity of documents. (ECF No. 147 at 2.)

July 28, 2017, all **oppositions** are due by **August 4, 2017**, and, only if necessary, **replies** should be filed by **August 8, 2017**.

5. All remaining pretrial motions, including, but not limited to, *in limine* motions, FRE 404(b) motions, notice of specified defenses or the use of specified evidence, shall be **fully briefed** by **August 8, 2017** following the same schedule as set forth in ¶4, to permit said motions to be decided by October 3, 2017.

6. To **APPEAR** with counsel who is to try the case at a **FINAL PRETRIAL CONFERENCE** on **October 3, 2017 at 4:00 p.m.** in Courtroom 6C South on the 6th Floor, United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York.

(a) **Before the October 3, 2017 pretrial conference**, each party shall:

- (i) PHYSICALLY MARK for identification (e.g., GX. 1^{ID}, DX A^{ID} followed by the docket number) each item of physical or documentary EVIDENCE which the party intends to offer in evidence at trial, including any learned treatises or publications to be introduced pursuant to Federal Rule of Evidence 803(18);³
- (ii) If TRANSCRIPTS are to be used either as substantive evidence or aids to the jury, a single copy shall be appropriately marked by all parties to indicate (i) portions to be read, and (ii) portions objected to; and
- (iii) Make every effort to enter into STIPULATIONS OF FACT, including stipulations as to the authenticity of all documents intended to be offered in evidence at trial, and to give

³ If any party wishes to present marked exhibits to the jury in digital form, the parties are directed to meet with the Chief Deputy Clerk for Automation Services and my case manager at least 20 days prior to the commencement of the trial to review the available equipment in Courtroom 6C South for the presentation of digital evidence and to determine what equipment the court can provide and what equipment the parties must provide. Counsel should be accompanied by the audio-visual personnel who will be operating any equipment that will be used at trial. Not later than 10 days before the commencement of trial, or by **October 6, 2017**, the parties shall file a confirmation in writing via ECF that this meeting has occurred and a general outline of the understandings reached.

notice as to all objections to authenticity so as to permit the adversary to have available at trial all necessary foundation witnesses.

- (b) **At the final pretrial conference on October 3, 2017 at 4:00 p.m.**, each party shall bring two sets of all exhibits marked for identification, including any disc upon which the exhibits have been recorded in digital form, if the party intends to present the evidence at trial digitally, for inspection.

7. If the parties do not agree to an earlier date, counsel for the government is directed to attend the final pretrial conference with material required to be produced at trial pursuant to 18 U.S.C. § 3500, appropriately marked for identification (e.g., GX 3500-1^{1D}), and either make such material available to defendant (along with two courtesy copies for chambers) or put on the record the reasons for withholding the material. The government may produce § 3500 materials in advance of the final pretrial conference.

8. A defendant in a criminal case is required to appear at all stages of the proceedings, including the return dates of motions, hearings, pretrial conferences and trial, unless excused by the court with the consent of the Government. Failure to comply with this provision may result in revocation of bail.

9. If the defendant is not a citizen of the United States, defense counsel shall, within 10 days of this order, advise defendant of the provisions of Article 36(1)(b) of the Vienna Convention on Consular Relations and shall certify to the court and the government in writing filed via ECF that it has done so. If defendant requests, counsel for the government is directed to comply forthwith with its obligations under that convention and submit, in writing, a statement certifying that it has done so.

SO ORDERED.

Dated: April 27, 2017
Brooklyn, New York

/s/
Hon. Kiyo A. Matsumoto
United States District Judge